Introduced
Public hearing
Council action
Executive action
Effective date

## **County Council of Howard County, Maryland**

2008 Legislative Session

Legislative day #10

## BILL NO. <u>56-2008 (ZRA - 98)</u>

## Introduced by: The Chair at the request of Blue Stream, LLC

**AN ACT** amending the Howard County Zoning Regulations' CAC zoning district to modify limitations on certain banking institutions; provide exceptions to the height, setback, and floor area regulations, in certain instances; provide open space requirements; modify a certain prohibition on residential uses; and generally relating to the CAC zoning district.

Introduced and read first time	, 2008. Ordered poste	d and hearing scheduled.	
		By order Sheila M. Tolliver, Administrator to	the County Council
Having been posted & notice of t	ime & place of hearing and title of Bill ha	aving been published according to Char	ter, the Bill was read for a second time at a
public hearing on	, 2008 and concluded on	, 2008.	
		By order Sheila M. Tolliver, Administrator to	the County Council
This Bill was read the third time		, Passed with amendments, Failed	_
		By orderSheila M. Tolliver, Administrator to	the County Council
Sealed with the County Seal and	presented to the County Executive for ap	proval this day of	, 2008 at a.m./p.m.
		By orderSheila M. Tolliver, Administrator to	
Approved/vetoed by the County	Executive on, 20	08.	
		Ken Ulman , County Executive	

NOTE; [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; <u>Underlining</u> indicates material added by amendment.

1	Secti	<b>on 1. Be it enactea</b> by the County Council of Howard County, Maryland, that <u>Section A of</u>						
2	<u>Secti</u>	on 103 (Definitions) is amended to add a new item 12 and the remainder of Section A shall						
3	<u>be re</u>	numbered accordingly, Subsections A "Purpose" and Subsection C "Accessory Uses" of						
4	Section 127.5 "CAC (Corridor Activity Center) District" are reenacted without changes; and							
5	Subse	ection B "Uses Permitted as a Matter of Right", Subsection D "Bulk Regulations", and						
6	Subs	ection E "Requirements for CAC Development", of Section 127.5 "CAC (Corridor Activity						
7	Cente	er) District " of the Howard County Zoning Regulations are hereby amended to read as						
8	follo	vs:						
9								
10								
11		Howard County Zoning Regulations						
12								
13		SECTION 103: Definitions						
14								
15	<u>A.</u>	Except as provided for in Section 101 herein, terms used in these regulations shall have the						
16		definition provided in any standard dictionary, unless specifically defined below or in any other						
17		provision of these regulations:						
18								
19		12. AMENITY AREA: A USABLE OUTDOOR LANDSCAPED AREA SUCH AS A PLAZA,						
20		COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO BE OPEN TO THE						
21		PUBLIC, EASILY ACCESSIBLE AND COMPLIES WITH THE ROUTE 1 MANUAL.						
22								
23		<b>SECTION 127.5 CAC (Corridor Activity Center) District</b>						
24								
25	A.	Purpose						
26								
27		This district is intended to provide for the development of pedestrian-oriented, urban activity						
28		centers with a mix of retail, service, office and residential uses. These centers should be located						
29		near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented						
30		local business area. The requirements of this district, in conjunction with the Route 1 Manual and						
31		the public improvements recommended by the Route 1 Corridor Revitalization Study, will result						

1 in development that will strengthen nearby communities, provide for safe and convenient 2 pedestrian travel, and improve the streetscape of Route 1 and intersecting roads. 3 4 Many parcels in the CAC district were developed before this district was created. It is not the 5 intent of these requirements to disallow the continued use of sites developed prior to the CAC 6 district. The intent of this district will be achieved by bringing the sites into compliance with 7 these requirements and the standards of the Route 1 Manual as uses are expanded or redeveloped. 8 9 В. Uses Permitted as a Matter of Right 10 11 1. Ambulatory health care facilities. 12 2. Animal hospitals, completely enclosed. 13 3. Antique shops, art galleries, craft shops. 14 4. Athletic centers, health clubs, tennis clubs and similar uses. 15 5. Bakeries, provided all goods baked on the premises shall be sold at retail from the 16 premises. 17 6. Banks, savings and loan associations, investment companies, credit bureaus, 18 brokers, and similar financial institutions, without a drive-through EXCEPT IN CAC 19 DEVELOPMENTS OF 20 ACRES OR MORE, DRIVE THROUGH SERVICE SHALL BE 20 PERMITTED PROVIDED THAT THERE SHALL BE NO PORTION OF DRIVE THROUGH 21 SERVICE FACING RT. 1. 22 7. Bicycle repair shops. 23 8. Blueprinting, printing, duplicating or engraving services limited to 2,000 square feet of 24 net floor area. 25 9. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of 26 charitable, social, civic or educational organizations, subject to the requirements of 27 Section 128.D.3. 28 10. Child day care centers and nursery schools. 29 11. Clothing and apparel stores with goods for sale or rent. 30 12. Commercial communication antennas. 31 13. Conservation areas, including wildlife and forest preserves, environmental management 32 areas, reforestation areas, and similar uses.

33

34

14.

15.

Convenience stores.

Day treatment or care facilities.

- 1 16. Drug and cosmetic stores.
- 2 17. Dwellings, apartment and single-family attached, only within a Route 1 Corridor
- development project with at least 2 gross acres of CAC-zoned land.
- 4 18. Farmers markets.
- 5 19. Food stores.
- 6 20. Furniture, appliance and business machine repair, furniture upholstering, and similar services.
- 8 21. Government structures, facilities and uses, including public schools and colleges.
- 9 22. Hardware stores.
- Hotels, motels, country inns and conference centers.
- 11 24. Laundry and/or dry cleaning establishments, except that pickup and delivery services shall not be provided.
- 13 25. Liquor stores.
- 14 26. Museums and libraries.
- 15 27. Nonprofit clubs, lodges, community halls.
- 16 28. Offices, professional and business.
- Parking facilities that serve adjacent off-site uses in accordance with Section 133.B.4.
- 18 30. Personal service establishments such as barber shops, beauty shops, opticians, photographers, tailors.
- 20 31. Pet grooming establishments and daycare, completely enclosed. [Council Bill 70-2007 21 (ZRA-87) Effective 1/10/08]
- 22 32. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry, and similar items.
- 24 33. Restaurants, carryout, including incidental delivery service.
- 25 34. Restaurants, fast food, in a multi-story building without a drive-through.
- 26 35. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor.
- 28 36. Seasonal sale of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.D.4.
- 30 37. Schools, commercial, including driving schools, business schools, trade schools, art schools and other commercially operated schools.
- 32 38. Schools, private academic, including colleges and universities.
- 33 Service agencies, such as real estate agencies, insurance agencies, security services, 34 messenger services, computer services, travel agencies, mailing services.

1		40.	Specialty stores.
2		41.	Underground pipelines; electric transmission and distribution lines; telephone, telegraph
3			and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
4			public utility uses not requiring a conditional use.
5		42.	Volunteer fire departments.
6			
7	C.	Acce	ssory Uses
8			
9 10		1.	Any use normally and customarily incidental to any use permitted as a matter of right in this district.
11		2.	Home occupations, subject to the requirements of Section 128.C.1.
12		3.	Private parks, swimming pools, athletic fields, exercise facilities, tennis courts, basketball
13		5.	courts and similar private, non-commercial recreation facilities.
14		4.	Retail sale of propane on the site of a principal retail business.
15		5.	Snowball stands, subject to the requirements of Section 128.D.5.
16		5.	Showban stands, subject to the requirements of Section 126.D.3.
17	D.	Bulk	Regulations
18			o see Section 128.A, Supplementary Bulk Regulations.)
19		(	
20		1.	Residential density, maximum
21			
22		2.	Maximum building height
23			
24			a. [[Parcel]] CAC DEVELOPMENT abuts Route 1
25			WITH THE FOLLOWING EXCEPTIONS:
26			
27			(1) FOR MIXED USE STRUCTURES INCORPORATING FIRST FLOOR RETAIL OR
28			STRUCTURED PARKING, OR FOR A HOTEL WITH AN ADDITIONAL 1 FOOT IN
29			HEIGHT FOR EVERY 2 FEET OF ADDITIONAL SETBACK ABOVE THE
30			MINIMUM .
31			FROM AN ADJOINING RESIDENTIAL DISTRICT (EXCLUDING
32			RESIDENTIAL USES IN THE CAC DISTRICT)
33			

1			<b>(1)</b>	FOR HOTELS AND FOR STRUCTURES INCORPORATING EITHER FIRST
2				FLOOR RETAIL OR STRUCTURED PARKING, IF AN ADDITIONAL $1$ FOOT
3				IN HEIGHT IS PROVIDED FOR EVERY 2 FEET OF ADDITIONAL SETBACK
4				ABOVE THE MINIMUM FROM AN ADJOINING RESIDENTIAL DISTRICT
5				(EXCLUDING RESIDENTIAL USES IN THE CAC DISTRICT)65 FEET
6				
7			(2)	FOR OFFICE STRUCTURES ON PARCELS ADJOINING I-95
8				100 FEET
9				
10			(3)	FOR OFFICE STRUCTURES ON PARCELS ADJOINING I-95, WITH IF AN
11				ADDITIONAL 2 FOOT IN HEIGHT <u>IS PROVIDED</u> FOR EVERY 1 FOOT
12				OF ADDITIONAL SETBACK ABOVE THE MINIMUM
13				FROM THE I-95 RIGHT-OF-WAY
14				
15		b.	[[Parc	cel Abuts other public roads]] CAC DEVELOPMENT DOES NOT ADJOIN
16			Rout	TE 1
17				
18	3.	Mini	mum bui	lding height
19				
20				building height does not apply to additions to existing, one-story buildings,
21		•		the existing building was lawfully constructed before the property was
22				e CAC district, and the addition does not increase the ground coverage of
23			•	by more than 25 percent of the area covered by the building when the
24		prope	erty was	rezoned to CAC.
25		-		
26 27	4.	For s	ites that	comply fully with the Route 1 Manual:
27			Minin	and actions as from sublic street right of way
28 29		a.	MIIIII	num setbacks from public street right-of-way
30			(1)	OFFICE STRUCTURE SETBACK FROM I-95
31			(1)	
				ALL OTHER STRUCTURES AND USES (EXCEPT SURFACE PARKING)  SETBACK FROM I-95
32			[[/1\·	
33			[[(1)]	[](2)OTHER Principal structures and amenity areas

1				[[(2)]]	](3)All o	other structures and uses	. 10 feet
2							
3			b.	Minin	num setl	backs from vicinal properties	
4				<b>(1)</b>	From	residential districts:	
5					(a)	Nonresidential structures and associated uses	. 30 feet
6					(b)	Structures containing residences and associated uses	. 20 feet
7				<b>(2)</b>	From	any other zoning district:	
8					All st	ructures and uses	0 feet
9				(3)	If a re	esidential district is separated from the CAC district by a public	
10					street	right-of-way, only the setbacks from a public street right-of-way	
11					shall	apply.	
12							
13			c.	Maxii	mum Str	ructure Setback from Public Street Right-Of-Way	
14				<b>(1)</b>	As pr	ovided in the Route 1 Manual, the building facade closest to a	
15					public	c street should be located no more than 10 feet from the edge of the	
16					public	c street right-of-way unless topography, utilities or other physical	
17					const	raints make a greater setback necessary. This 10-foot setback may	
18					be inc	creased without a variance in accordance with the Route 1 Manual.	
19				<b>(2)</b>	The I	Department of Planning and Zoning may also approve a setback of	
20					no mo	ore than 65 feet if the service road option is proposed and meets the	
21					follov	wing requirements:	
22					(a)	Creates a service road of at least 300 linear feet parallel to Route	
23						1; and	
24					(b)	Meets the access and spacing requirements of the State Highway	
25						Administration and the Howard County Design Manual.	
26							
27		5.	For si	ites deve	loped pr	rior to the creation of the CAC district that do not comply or only	
28			partia	lly comp	oly with	the Landscape Manual and Route 1 Manual:	
29							
30			All st	ructures	and use	s, minimum setback from public street right-of-way and	
31			reside	ential dis	tricts		. 30 feet
32							
33	<b>E.</b>	Requ	irement	ts for CA	AC Deve	elopment	
34							

1	1.	OPEN :	SPACE A	ND Amenity Area
2				
3		CAC	levelopr	nents shall include [[a]] MINIMUM OPEN SPACE AND AT LEAST ONE
4		landsc	aped, or	ntdoor amenity area, such as a plaza, courtyard, or garden that complies
5		with th	ne requir	rements of the Route 1 Manual. <u>IN ACCORDANCE WITH SECTION</u>
6		16.12	1(B) OF	THE CODE, AT THE DISCRETION OF THE COUNTY, ALL OR A PORTION
7		OF TH	E OPEN	SPACE AREA SHALL BE DEDICATED AND DEEDED WITHOUT CHARGE TO
8		Howa	ARD CO	UNTY FOR RECREATION OR FOR PUBLIC USE, INCLUDING BUT NOT
9		LIMITI	ED TO, C	COMMUNITY CENTERS AND LIBRARIES ALONG ROUTE 1.
10			,	
11		a.	For C	$^{\circ}$ AC developments 20 acres or larger, provide 20% of the net $^{\circ}$
12			AREA .	ACREAGE AS OPEN SPACE OF WHICH AT LEAST 50% MUST BE DESIGNED AS
13			AN AM	IENITY AREA OPEN TO THE PUBLIC.
14				
15		b.	For C	AC developments less than 20 acres, provide $10\%$ of the net $rac{ ext{SITE}}{ ext{C}}$
16			AREA .	ACREAGE AS OPEN SPACE WHICH MUST BE DESIGNED AS AN AMENITY
17			AREA	OPEN TO THE PUBLIC.
18				
19	2.	Requi	rements	for Nonresidential Uses
20				
21		a.	On a 1	ot adjoining the right-of-way of Route 1, for the buildings closest to Route
22			1:	
23			<b>(1)</b>	At least 50% of the first floor of the building must be designed for retail
24				or service uses. Service uses include personal service, service agency,
25				restaurants, and similar uses serving the public.
26			<b>(2)</b>	The first floor of the building facade facing Route 1 must include
27				storefronts and primary entrances for the first floor retail and service
28				uses.
29			(3)	The first floor facade shall be designed to provide pedestrian interest
30				along Route 1 in accordance with the Route 1 Manual.
21				

1		b.	[[Reta	il busin	sesses shall not exceed 20,000 square feet of floor area for any
2			indivi	dual bus	siness.]] THE GROSS FLOOR AREA FOR ANY INDIVIDUAL
3			COMM	ÍERCIAL	USE SHALL NOT EXCEED:
4					
5			(1)	ON PA	ARCELS LESS THAN 20 ACRES IN SIZE
6					
7			<b>(2)</b>	IN DE	EVELOPMENTS ON PARCELS 20 OR MORE ACRES IN SIZE:
8				(a)	A MAXIMUM OF ONE FOOD STORE IF A PORTION OF THE FAÇADE
9					IS WRAPPED WITH SMALLER STORES OR CONTAINS
10					ARCHITECTURAL FEATURES TO SIMULATE SMALLER RETAIL
11					STOREFRONTS
12					
13				(b)	A MAXIMUM OF ONE COMMERCIAL USE WITH A MAXIMUM
14					FOOTPRINT OF $20,000 \text{ SQ.}$ Ft. and a maximum floor area of
15					40,000 sq. Ft., and located in a mixed use building
16					
17				(c)	ALL OTHER COMMERCIAL USES
18					
19	3.	Requ	irements	for Res	sidential Uses
20					
21		a.	Reside	ences ar	re permitted only within Route 1 Corridor development projects
22			encon	npassing	g at least two gross acres of CAC-zoned land.
23					
24		b.	The fi	rst flooi	r of buildings [[or lots]] adjoining the right-of-way of Route 1 shall
25			not in	clude re	esidential use in the building space closest to the right-of-way of
26			Route	1, WITH	H THE EXCEPTION THAT SUCH UNITS MAY BE APPROVED IN A
27			DEVEI	LOPMEN	IT SITE THAT IS BOTH 20 ACRES OR GREATER AND HAS 1,000 FEET
28			OR GR	EATER !	LOT FRONTAGE ON THE US ROUTE 1 RIGHT-OF-WAY, IF THE
29			DIREC	TOR OF	THE DEPARTMENT OF PLANNING AND ZONING FINDS THAT THE
30			BUILD	ING AN	D STREETSCAPE DESIGN ARE IN COMPLIANCE WITH CHAPTER 5 OF
31			THE R	OUTE 1	MANUAL CONCERNING BUILDING DESIGN, PARTICULARLY THE
32			SECTION	ONS CO	NCERNING MASS AND ARTICULATION AND DOOR AND WINDOW
33			OPENI	NGS <u>AN</u>	ND RESIDENCES OCCUPY NO MORE THAN $50\%$ OF THE ROUTE $1$
34			FRON'	ΓAGE.	Residences may occupy other portions of the first floor space.

1			
2	c.	For e	very dwelling unit that is developed, 300 square feet of commercial space
3		must	be developed on the site. The Director of the Department of Planning and
4		Zonir	ng may, however, reduce the commercial space requirement to 200 square
5		feet p	er residential unit under the following conditions:
6		(1)	The site is constrained in terms of size, shape, environmental factors or
7			access in a manner that limits commercial development potential; or
8		(2)	The proposed design includes recreational, public, or non-profit uses on
9			the first floor that benefit and are accessible to the general public.
10			
11	d.	The p	chasing of residential and commercial construction AND OPEN SPACE should
12		be ro	ughly proportional. No more than 50% of the residential units shall be
13		const	ructed prior to commencing the A ROUGHLY proportional amount of
14		comn	nercial construction AND OPEN SPACE.
15	e.	Mode	erate income housing
16		(1)	At least 15 percent of the dwelling units shall be moderate income
17			housing units, except that
18		(2)	At least 25 percent of the dwelling units shall be moderate income
19			housing units if the CAC development requires closing of a mobile home
20			park existing on the property when CAC rezoning occurs.
21			
22			
23			
24	Section 2. Be it furt	her en	acted by the County Council of Howard County, Maryland, that the
25	•		become effective 61 days after enactment.
26			